

REMARKS

This Amendment is responsive to the Official Action mailed April 2, 2001 (Paper No. 4). Entry of this Amendment and reconsideration of the subject application in view thereof are respectfully request.

Claims

Claims 1-26 were pending. Claims 1-26 stand rejected.

It is believed that entry of this Amendment is timely filed with the appropriate payment along with Applicants' Petition to Revive. Notwithstanding, Applicants hereby authorize the Commissioner to charge any additional claim fees required by entry of this Amendment to Deposit Account No. 04-0480.

Claims 1, 2, 10, and 18-23 have been amended to more clearly recite the present invention. Support for these amendments is apparent. Thus, no new matter is added.

Specification

The specification was objected to because a written description of reference number 22 in Figure 1 is missing. The specification has been amended to associate "22" with the "permeable cover" clearly indicated (in context) by dashed line 22. No new matter is added.

Claim Rejections under 35 U.S.C. §112, second paragraph

Claims 1-17, and 22-26 are rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. Specifically, the Examiner alleged that, in Claim 1, there is insufficient antecedent basis for reciting the limitation "the body" in line 1. Claim 1 has been amended to recite the limitation of "a human body" in line 1 of Claim 1. Withdrawal of rejection is respectfully requested.

The Examiner alleged that, in Claim 2, there is insufficient antecedent basis for reciting the limitation "the surface" in line 2. Claim 2 has been amended to recite the limitation of "a surface." Withdrawal of rejection is respectfully requested.

Claim 10 was rejected under 35 U.S.C. §112, second paragraph, based on the use of the symbol "/" in the claim. While disagreeing with this asserted rejection, Applicants submit that the amended claim cannot be viewed as subject to the rejection. Withdrawal of rejection is respectfully requested.

Claims 19 and 21 were rejected for indefiniteness. Pursuant to the Examiner's suggestion, Claims 19 and 21 have been amended to recite "in reducing the odor, as smelled by the user, of excreted bodily fluid." Withdrawal of rejection is respectfully requested.

Claim 22 was rejected for indefiniteness. In particular, the Examiner alleged the term "the method comprising attaching directly or indirectly to plastics" is indefinite. Claim 22 has been amended to remove the asserted ambiguity. Withdrawal of rejection is respectfully requested.

Claim Rejections under 35 U.S.C. §102(b)

Claims 1, 4-6, 9, 11, 12, 14-26 were rejected under 35 U.S.C. §102(b) as being anticipated by Dierckes, Jr. et al., Andersson et al., and/or Difilippantonio et al. Applicants disagree. A claim is anticipated by a reference only if each and every element of the claim is found, either expressly or inherently, in that reference. *See* MPEP 2131. Thus, the identical invention must be shown in complete detail as is contained in the claim. *See id.* Abiding by these standards, as discussed below, it is clear that neither Dierckes, Jr. et al., Andersson et al., nor Difilippantonio et al. anticipate the invention as claimed in claim 1, 4-6, 9, 11, 12, 14-26.

Dierckes, Jr. et al.

Claims 1, 4-6, and 9 were rejected under 35 U.S.C. §102(b) as anticipated by Dierckes, Jr. et al. Dierckes, Jr. et al. is directed to an absorbent core that contains an absorbent macrostructure of bonded absorbent particles, apparently for particular use with a disposable diaper. The specification of Dierckes, Jr. et al. also discloses an absorbent macrostructure that can comprise a plurality of particle layers - one embodiment being a layer of absorbent gelling particles separated by a layer of non-absorbent gelling material with such material serving an odor control function. Applicant submits that Dierckes, Jr. et al. does not disclose, either expressly or inherently, a pouch where a carrier, comprising a malodour counteractant, is directly or indirectly affixed to the wall of the pouch. Rather, Dierckes, Jr. et al. discloses an absorbent material that involves multiple layers, one of which may contain odor controlling element. Thus, claims 1, 4-6, and 9 are not anticipated by Dierckes, Jr. et al. Withdrawal of rejection under 35 U.S.C. §102(b) is respectfully requested.

Andersson et al.

Claims 1, 4, 5, 11, 12, 14, 15, and 18-26 were rejected under 35 U.S.C. §102(b) as anticipated by Andersson et al. Andersson et al. is directed to a deodorizing and disinfecting

fluid absorbing product such as a sanitary napkin, compress, bandage, or surgical dressing. In addition, Andersson et al. discloses a product containing, in an inner area or layer, a substance that when supplied with moisture, gives off oxygen - which has a deodorizing effect. Applicants submit that Andersson et al. does not disclose a collection pouch for collecting matter excreted from the body, nor does it disclose a deodorizing substance that is directly or indirectly affixed to the wall of a pouch. Instead, Andersson et al. discloses a deodorizing substance "inside the product at a distance from its outer edge" which is involved in deodorizing.

As to claims 18-2, nothing in Anderson discloses the claimed pouch with peroxide generator.

Regarding the Examiner's rejection of claims 22-26, again, Applicants disagree. Applicants submit that Andersson et al. does not disclose a method of using the claimed pouch. Rather, Andersson et al. discloses a process of manufacturing its claimed liquid-absorbing product. Thus, claims 1, 4, 5, 11, 12, 14, 15 and 18-26 are not anticipated by Andersson, et al. Withdrawal of rejection under 35 U.S.C. §102(b) is respectfully requested.

Difilippantonio

Claims 1, 4, 5, and 16-17 were rejected under 35 U.S.C. §102(b) as anticipated by Difilippantonio et al. Difilippantonio discloses a body fluid-impermeable barrier which has a top layer of powered deodorant ingredient for odor control. Difilippantonio does not, disclose either expressly or inherently, a pouch where a carrier, comprising a malodour counteractant, is directly or indirectly affixed to the wall of the pouch. Thus, claims 1, 4, 5, and 16-17 are not anticipated by Difilippantonio et al. Withdrawal of rejection under 35 U.S.C. §102(b) is respectfully requested.

Claim Rejections under 35 U.S.C. §102(e)

Claims 1-5, 7-10, 16, and 22 were rejected under 35 U.S.C. §102(e) as being anticipated by Caldwell et al., Gross, and/or Hasse. Applicants disagree for the reasons set forth in the preceding section. Abiding by these standards, it is clear that neither Caldwell et al., Gross, and/or Hasse anticipate the invention as claimed in Claims 1-5, 7-10, 16, and 22. Note that Applicants do not concede the "before the invention" element of this rejection, but find no present need to address it.

Caldwell et al.

Claims 1, 4, 5, 8, 9, and 16 were rejected under 35 U.S.C. §102(e) as anticipated by

Caldwell et. al. Caldwell et al. is directed to a novel barrier web - used in the preparation of products such as carpets, specialized clothing, upholstery, and incontinence products such as diapers - where the web is water and microbial resistant, yet still gas and water vapor permeable. In particular, Caldwell et al. discloses a web that is treated with an anti-odor agent. However, Caldwell et al. does not disclose a collection pouch for collecting matter excreted from the body, specifically one where a malodour coneractant is directly or indirectly affixed to the wall of a pouch, and is activated upon contact with liquid. Thus, claims 1, 4, 5, 8, 9, and 16 are not anticipated by Caldwell et al. Withdrawal of rejection under 35 U.S.C. §102(e) is respectfully requested.

Hasse

Claims 1, 3, 16, and 22 were rejected under 35 U.S.C. §102(e) as being anticipated by Hasse. Hasse is directed to a diaper or incontinence device having perfume-filled microcapsules on the diaper's fastening system. When the fastening system is disconnected by an individual, the microcapsules burst and release the perfume into the air. Hasse does not disclose a collection pouch for collecting matter excreted from the body, where a malodour coneractant is directly or indirectly affixed to the wall of a pouch. In addition, in the present invention, the malodour coneractants are contained inside the collection pouch, not on the outside of the product, far from contact with the body excretion as in Hasse. Thus, claims 1, 3, 14, and 22 are not anticipated by Hasse. Withdrawal of rejection under 35 U.S.C. §102(e) is respectfully requested.

Gross

Claims 1, 2, 4, 5, 7, 9, and 10 were rejected under 35 U.S.C. §102(e) as anticipated by Gross. Gross is directed to an absorbent product (e.g., sanitary napkin) containing a surface-active agent that is effective to reduce the odor of urine. However, Applicants assert that Gross does not disclose a collection pouch where a malodour coneractant is directly or indirectly affixed to the wall of a pouch. Thus, claims 1, 2, 4, 5, 7, 9, and 10 are not anticipated by Gross. Withdrawal of rejection under 35 U.S.C. §102(e) is respectfully requested.

Claim Rejections under 35 U.S.C. §103(a)

Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Andersson et al. in view of Gancet et al. In particular, the Examiner alleged that

Andersson, as disclosed above for claim 1, teaches the use of oxidants, comprising metals that catalyze the decomposition, such as sodium chlorate, but does not specifically teach the use of the malodour counteractant comprising a chlorine dioxide generator.

Gancet discloses the use of oxidants such as hydrogen peroxide and chlorine dioxide. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the oxidant of Andersson, be chlorine dioxide, as disclosed by Gancet, in order to suppress the smell of bodily fluids.... Furthermore, a hydrogen peroxide and a chlorine dioxide (as disclosed by Gancet), are both oxidizers, and therefore perform the same function, and therefore are interchangeable.

Applicants disagree and submit that even assuming, *arguendo*, all of the Examiner's assertions, none of the cited references, either alone or in combination, teach or suggest a pouch where a carrier, comprising a malodour counteractant, is directly or indirectly affixed to the wall of the pouch, where one choice of malodour counteractant comprises a chlorine dioxide generator.

As discussed above, Andersson et al. is directed to a deodorizing fluid absorbing product where an inner area or layer contains a substance that gives off oxygen, which has a deodorizing effect. Andersson et al does not teach a device where the deodorizing substance is attached to a carrier that is directly or indirectly affixed to the wall of the pouch.

Grancet, et al. does not provide that which is absent from Andersson. Grancet teaches a superabsorbent composition intended for production of sanitary articles of the underwear, diaper, or disposable diaper type which do not develop unpleasant smells, and which comprises a polymer (which is superabsorbent with respect to water and saline solutions) and sodium tetraborate or sodium metaborate.

Thus, one of ordinary skill in the art would not have been motivated to use a chlorine dioxide generator purely as a malodour counteractant that is attached to a carrier in a pouch using Andersson et al. either alone or in combination with Grancet et al. From the foregoing remarks, it can be seen that none of the references, alone or in combination, teach or suggest the present invention as set forth in the claims now pending in this application. Applicants therefore request withdrawal of the rejection under 35 U.S.C. §103(a) on the basis of these references.

FEE DEFICIENCY

☒ If an extension of time is deemed required for consideration of this paper, please consider this paper to comprise a petition for such an extension of time; The Commissioner is hereby authorized to charge the fee for any such extension to Deposit Account No. 04-0480.

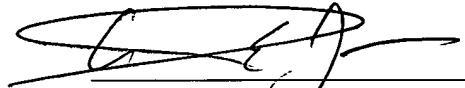
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Closing Remarks

Applicants thank the Examiner for the Office Action and believe this response to be a full and complete response to such Office Action. Accordingly, favorable reconsideration in view of this response and allowance of the pending claims are earnestly solicited.

Respectfully submitted,



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Detail of claim amendments

1. (Once Amended). A collection pouch for collecting matter excreted from a human [the] body, the pouch having a base and an enclosed volume adapted to collect solid human waste, comprising a carrier, which comprises or carries at least one malodour counteractant, said carrier being fixedly attached directly or indirectly to a wall of the pouch and away from the base of the pouch.

2. (Once Amended) A pouch according to claim 1 wherein the malodour counteractant is a coating on part, or all, of a [the] surface of the carrier.

10. (Once Amended). A pouch according to claim 9 wherein the absorbent pad is a composite comprising one or more of the following:

(i) separate layers of; (1) tissue paper, (2) [/] sodium polyacrylate, glycerol, water, and (3) [/] tissue paper;

(ii) separate layers of; (1) tissue paper, [/] (2) viscose and super-absorbent fibres, and (3) [/] tissue paper;

(iii) separate layers of; (1) tissue paper, (2) [/] viscose and super-absorbent fibres; and

(iv) polyvinyl alcohol fibres and super-absorbent fibres.

18. (Once Amended) A collection pouch having an enclosed volume adapted for collecting solid matter excreted from the body, the pouch comprising or containing a hydrogen peroxide generator.

19. (Once Amended) A pouch according to claim 18 wherein the generator is effective in reducing the odor, as smelled by the user, of excreted bodily fluid [, in use, as a malodour counteractant].

20. (Once Amended) A collection pouch having an enclosed volume adapted for collecting solid matter excreted from the body, the pouch comprising or containing sodium perborate.

21. (Once Amended) A pouch according to claim 20 wherein the sodium perborate is effective in reducing the odor, as smelled by the user, of excreted bodily fluid [, in use, as a malodour counteractant].

22. (Once Amended). A method for use in the production of a collection pouch for collecting matter excreted by the body, the pouch having a base and an enclosed volume adapted to collect solid human waste, [the method] comprising attaching, directly or indirectly, [to plastics material forming, or for forming, a pouch wall,] (a) a carrier carrying a[n] malodour counteractant to (b) a plastic material that forms, or will form after further production steps, a pouch wall, wherein the carrier is attached to the material at a point adapted to be away from the base.

23. (Once Amended) A method comprising adding to, or including in, a pouch having an enclosed volume adapted for collecting solid matter excreted by the body, a hydrogen peroxide generator.

Claims following entry of amendment mailed April 2, 2002

1. (Once Amended). A collection pouch for collecting matter excreted from a human body, the pouch having a base and an enclosed volume adapted to collect solid human waste, comprising a carrier, which comprises or carries at least one malodour counteractant, said carrier being fixedly attached directly or indirectly to a wall of the pouch and away from the base of the pouch.

2. (Once Amended). A pouch according to claim 1 wherein the malodour counteractant is a coating on part, or all, of a surface of the carrier.

3. A pouch according to claim 1 wherein the malodour counteractant is adhered to the carrier by means of an adhesive.

4. A pouch according to claim 1 wherein said carrier carries a matrix and at least one malodour counteractant.

5. A pouch according to claim 4, wherein the matrix is a hygroscopic matrix.

6. A pouch according to claim 4, wherein the matrix comprises glycerol and polyethylene glycol.

7. A pouch according to claim 4, wherein the matrix comprises one or more surfactants.

8. A pouch according to claim 4, wherein the matrix comprises one or more soaps.

9. A pouch according to claim 1 wherein the carrier comprises one or more of the following: a paper tissue, a plastic film, a non-woven fabric, or an absorbent pad.

10. (Once Amended). A pouch according to claim 9 wherein the absorbent pad is a composite comprising one or more of the following:

(i) separate layers of; (1) tissue paper, (2) sodium polyacrylate, glycerol, water, and (3) tissue paper;

(ii) separate layers of; (1) tissue paper, (2) viscose and super-absorbent fibres, and (3) tissue paper;

(iii) separate layers of; (1) tissue paper, (2) viscose and super-absorbent fibres; and

(iv) polyvinyl alcohol fibres and super-absorbent fibres.

11. A pouch according to claim 1 wherein the malodour counteractant is an oxidising agent generator.
12. A pouch according to claim 1 wherein the malodour counteractant comprises a hydrogen peroxide generator.
13. A pouch according to claim 1, wherein the malodour counteractant comprises a chlorine dioxide generator.
14. A pouch according to claim 12 wherein the hydrogen peroxide generator is a metal perborate.
15. A pouch according to claim 14, wherein the metal perborate is sodium perborate.
16. A pouch according to claim 1, wherein the malodour counteractant comprises one or more antibacterial agents and/or one or more fragrance additives.
17. A pouch according to claim 1, wherein the carrier is heat sealed, or welded to the pouch wall.
18. (Once Amended). A collection pouch having an enclosed volume adapted for collecting solid matter excreted from the body, the pouch comprising or containing a hydrogen peroxide generator.
19. (Once Amended). A pouch according to claim 18 wherein the generator is effective in reducing the odor, as smelled by the user, of excreted bodily fluid.
20. (Once Amended). A collection pouch having an enclosed volume adapted for collecting solid matter excreted from the body, the pouch comprising or containing sodium perborate.
21. (Once Amended). A pouch according to claim 20 wherein the sodium perborate is effective in reducing the odor, as smelled by the user, of excreted bodily fluid.
22. (Once Amended). A method for use in the production of a collection pouch for collecting matter excreted by the body, the pouch having a base and an enclosed volume adapted to collect solid human waste, comprising attaching directly or indirectly, (a) a carrier carrying a malodour counteractant to (b) a plastic material that forms, or will form after further production steps, a pouch wall, wherein the carrier is attached to the material at a point adapted to be away from the base.

23. (Once Amended). A method comprising adding to, or including in, a pouch having an enclosed volume adapted for collecting solid matter excreted by the body, a hydrogen peroxide generator.

24. A method according to claim 23, wherein the hydrogen peroxide generator comprises a metal perborate.

25. A method according to claim 24, wherein the metal perborate is sodium perborate.

26. A method according to claim 23, wherein the hydrogen peroxide generator is placed within the pouch during manufacture of the pouch.